



HOUSE BILL 1211: Mount Gilead Charter Revision & Consolidation

2013-2014 General Assembly

Committee: House Finance
Introduced by: Rep. Goodman
Analysis of: Second Edition

Date: June 18, 2014
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SUMMARY: *House Bill 1211 would revise and consolidate the charter of the Town of Mount Gilead in Montgomery County.*

CURRENT LAW: The Town of Mount Gilead was incorporated in 1898. The charter of the Town has been revised multiple times since then, but not consolidated into one document.

BILL ANALYSIS: House Bill 1211 would revise and consolidate the Town of Mount Gilead Charter and expressly repeal the following acts because those acts have served their purpose or they have been consolidated into this act:

- Chapter 90 of the 1899 Private Laws.
- Chapter 133 of the 1913 Private Laws.
- Chapter 228 of the 1951 Session Laws.
- Chapter 152 of the 1953 Session Laws.
- Chapter 163 of the 1957 Session Laws.
- Chapter 623 of the 1957 Session Laws.
- Chapter 407 of the 1967 Session Laws.
- S.L. 1997-127.

House Bill 1211 would also establish a recall provision for the Town's elected officials, which has not previously been in place. The process for recall would be as follows: The petition would have to be signed by 25% of the registered voters of the town. The signed petition would have to be verified by the Montgomery County Board of Elections. Upon a determination that a sufficient recall petition has been submitted, the Town's council must order a recall election and fix a date for such election. The date of the election cannot be less than 45 days, or more than 100 days, after the petition is determined sufficient.

If the elected official is removed by a majority vote, the vacancy is to be filled by appointment by the remaining Town council members. Likewise, a vacancy in the office of mayor is filled by appointment by the Town council.

Limitations placed on the filing of petitions for recall elections would be as follows:

- No petition could be filed within 6 months of the date the elected person began office.
- No petition could be filed within the 6 months prior to the end of the elected person's term of office.
- No more than one recall election for the elected person could be called during that elected person's term.
- The Mayor and Commissioners serving on the date of ratification of House Bill 1211 would serve until the expiration of their terms or until their successors are elected and qualified.

EFFECTIVE DATE: House Bill 1211 would be effective when it becomes law.

Erika Churchill with the Research Division substantially contributed to this summary.

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